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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

Magistrate Judge Donohue

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WIL CASEY FLOYD,

Defendant.

NO. **MS 17 - 169**

COMPLAINT FOR VIOLATIONS

Title 26, United States Code,
Sections 5861(d) and 5845(a)(8)

BEFORE, United States Magistrate Judge, James P. Donohue, Seattle, Washington.

The undersigned complainant, Michael Louis Baldino, Special Agent, Federal
Bureau of Investigation, being duly sworn states:

COUNT 1

(Unlawful Possession of Destructive Devices)

On or about May 1, 2016, at Seattle, within the Western District of Washington,
WIL CASEY FLOYD did knowingly and intentionally possess destructive devices, that
is, devices known as Molotov cocktails, which were not registered to him in the National
Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(8).

And the complainant further states:

1 **A. Introduction.**

2 I am a Special Agent (SA) with the Federal Bureau of Investigation and have been
3 since January 2013. Before becoming an FBI agent, I was a professional firefighter and
4 emergency medical and hazardous materials technician with Fairfax County Fire and
5 Rescue Department in Virginia. As an FBI Special Agent, I have investigated, received
6 training and have field experience investigating the diverse criminal violations over
7 which the FBI has jurisdiction, to include domestic and international terrorism, crimes
8 against children, illegal narcotics and other violations of federal statutes. I have acquired
9 knowledge and information about these offenses and the methods by which they are
10 executed through formal and informal training, other law enforcement officers and
11 investigators, informants, as well as through my participation in other investigations.

12 As a law enforcement officer, I have participated in the execution of numerous
13 arrest and search warrants, which have resulted in arrests, convictions, and the recovery
14 of evidence and contraband. I am currently assigned to the Seattle Division's Domestic
15 Terrorism Squad on the Joint Terrorism Task Force, which investigates criminal
16 violations relating to incidents of both domestic and international terrorism. I am also
17 currently a member of the FBI's Evidence Response Team (ERT) and have completed
18 specialized training in organizing, conducting, and leading evidence recovery operations,
19 to include the processing of complex crime scenes and utilizing forensic evidence
20 collection techniques.

21 The facts in this Affidavit come from my personal observations, my training and
22 experience, and information obtained from other agents and witnesses. Because this
23 Affidavit is submitted for the limited purpose of establishing probable cause in support of
24 a criminal complaint, it does not set forth each and every fact that I, or others, have
25 learned during the course of the investigation.

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1 **B. The Events of May 1, 2016 ("May Day").**

2 On May 1, 2016, members of the Seattle FBI Joint Terrorism Task Force (JTTF)
3 provided investigative support to the Seattle Police Department (SPD) related to any
4 potential criminal activity committed during expected demonstrations in downtown
5 Seattle.¹ On that day, a crowd of approximately 200 individuals marched through
6 downtown Seattle. Approximately 50 of these individuals were dressed in all black
7 attire, including face coverings. This style of dress, known as "black bloc," is a tactic
8 known to be employed by people associated with the anarchist extremist movement in an
9 effort to blend in with each other and conceal their identities.

10 At approximately 7:30 pm, uniformed SPD officers directed the crowd of
11 marchers towards the intersection of 4th Avenue South and South Seattle Boulevard.
12 Within minutes of arriving at the intersection, some people in the crowd began throwing
13 items at SPD officers. At approximately 7:40 pm, a bottle (later identified as a "Molotov
14 cocktail" device) landed near a line of SPD officers. The Molotov cocktail had not been
15 ignited when it was thrown at the officers, but when it landed it caused one of the officers
16 to accidentally drop a flash-bang device, igniting the liquid in the Molotov cocktail and
17 causing a burst of flames. I was nearby on foot and witnessed the resultant fire. SPD
18 Officer Ducre suffered a burn to his lower right leg as a result of the fire and was
19 transported to Harborview Medical Center for treatment.

20 At approximately 7:50 pm, members of the Seattle JTTF assisted in the recovery
21 of evidentiary items located near the intersection. The recovered items included the
22 remnants of five shattered Improvised Incendiary Devices, commonly known as
23 "Molotov cocktails." The Molotov cocktails were constructed of green Heineken beer
24 bottles, an unknown flammable liquid, a tampon acting as a stopper, and a strip of white
25 cloth serving as a wick. Additional items of evidence were recovered nearby, including
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27

28 ¹ Historically, "May Day" protests in Seattle have resulted in certain individuals engaging in criminal activity,
including physical assaults on law enforcement, acts of vandalism, and/or property destruction.

1 discarded black latex gloves and an assortment of black colored clothing items that are
2 believed to have been shed by individuals in "black bloc."

3 Near the same intersection, SPD officers recovered a black bag with a red colored
4 interior, which contained a fully intact Molotov cocktail. The bag was a shoulder slung,
5 diaper style bag with several exterior pouches. Inside the main compartment of the bag
6 was one intact Molotov cocktail which matched the shattered devices that were thrown at
7 the police officers – it was made of a green Heineken beer bottle, had a tampon in the
8 neck tied to a strip of white cloth, and was filled with an unknown liquid inside. The
9 Molotov cocktail was secured inside the black bag via a homemade cardboard and plastic
10 divider system, which kept the bottle upright and prevented its liquid contents from
11 spilling. In addition to the intact Molotov cocktail, the bag also contained several black
12 zip ties, road flares, pliers, and other items.²

13 **C. Investigation of Photographs and Videos of the May Day Incident.**

14 In an effort to identify the individual who threw the bottle that injured Officer
15 Ducre, investigators obtained photographs and videos taken of the event. These photos
16 and videos were acquired from a variety of sources, including videos that had been
17 publically posted on YouTube, footage publically aired on news channels, and private
18 citizens who captured some of the events on mobile devices and cameras.

19 Through a review of this evidence, investigators observed footage of a white male
20 subject (later identified as defendant Wil Casey Floyd) who was carrying what appeared
21 to be the black diaper bag with red interior that was later found to contain the single,
22 intact Molotov cocktail (as described above). This male subject was dressed in full
23 "black bloc" attire. The footage revealed that the subject was standing in the area from
24 which the bottle was thrown at Officer Ducre. The footage also depicted the subject a
25

26 ² As the above-referenced evidence was being collected, other officers were attempting to identify, locate,
27 and apprehend the individual who threw the bottle that injured Officer Ducre. At approximately 7:50 pm, officers
28 arrested a suspect after a SPD bike patrol officer initially identified him as having thrown the bottle. This initial
suspect was charged in state court with an offense related to this incident. However, by mid-May 2016,
investigators ruled out this initial suspect and all charges were dismissed against him.

1 few minutes later no longer wearing "black bloc" clothing and no longer carrying the
2 diaper bag.

3 **D. Identification of Floyd as the Subject in the Videos and Photos.**

4 Following numerous unsuccessful attempts to identify the above-referenced male
5 suspect, on October 13, 2016, investigators submitted a "Request to Identify" bulletin to
6 the Washington State Fusion Center (WSFC). The bulletin contained the subject's
7 photograph taken from some of the footage on October 1, 2016.

8 On October 18, 2016, Officer Luke Flohr of the Richland Police Department
9 contacted TFO Hall and advised that he believed the subject was an individual he knew
10 as Wil Casey Floyd. Officer Flohr provided Floyd's Facebook profile as
11 www.facebook.com/wil.floyd.9.

12 TFO Hall reviewed Floyd's publically accessible Facebook profile and identified
13 profile photographs of Floyd that matched the subject from the May 1, 2016 videos and
14 photographs. A Washington State Department of Licensing (DOL) record was located
15 for Floyd and also matched the subject. A review of publically viewable posts on Floyd's
16 Facebook page further confirmed his involvement in the May Day 2016 events,
17 including:

- 18 • On April 30, 2016, Floyd posted a hyperlink to documents entitled "May
19 Day Undercovers." The documents provided information about
20 plainclothes police officers who would likely be present at a May Day
21 event. Directly above the hyperlink, Floyd added the following text:
"Sooooooooo This is important."
- 22 • On May 1, 2016, Floyd shared a photograph from another Facebook user
23 featuring a red and black colored flag with the title, "MAYDAY
24 International Workers Day," along with a hyperlink to an article called
25 "May Day Around the World." Above the photograph Floyd wrote,
26 "Happy May Day, my loves." In the comments section beneath the link,
27 another Facebook user wrote, "Wish I could be in Seattle today." Floyd
28 replied to the comment with: "It's gunna be a blast," accompanied by a
smiley face emoticon.

- 1 • On May 1, 2016, Floyd posted a graphic of a hand holding a flaming
2 Molotov cocktail with the title, "THE RIOT IS ONE NIGHT... ...BUT
3 METADATA LAST FOREVER." The graphic also featured text along the
4 right side which included advice such as, "Cover Your Face And Hair,"
5 "Wear Gloves," "Don't Put Your Picture Online," and "Never Snitch,
6 Ever." Directly above the graphic, Floyd wrote, "Happy May Day,
7 comrades. And, remember..."
- 8 • On May 1, 2016, Floyd shared a photograph posted by another Facebook
9 user which depicted a female SPD officer tending to a male SPD officer
10 who sustained a large, bloody, laceration above his left eye. The photo had
11 text reading, "It's No Fun When They Fight Back." Directly above the
12 photograph, Floyd wrote, "Hahahahahahahahahahahahahahaha Fuck
13 you, pig. Cry me a fucking river."
- 14 • On May 2, 2016, Floyd shared a link to a Q13fox.com news article entitled,
15 "5 officers injured, 9 protesters arrested as May Day march turns violent in
16 Seattle." The article featured a photograph of protestors running from an
17 explosion in the street. In the comments section beneath the article, Floyd
18 wrote, "My leg tho haha."
- 19 • On May 2, 2016, Floyd posted a photograph of his leg with a large red welt
20 on it. Directly above the photograph, Floyd wrote, "Weeeeeeeeeee." In the
21 comments section beneath the photograph, another Facebook user wrote, "I
22 definitely saw some beanbag rounds on the ground as well." Floyd replied
23 to the comment and wrote, "Those fuckers hurt tho."

24 **E. Efforts to Locate and Contact Floyd.**

25 Following his preliminary identification in October 2016, numerous attempts were
26 made by the FBI and SPD to locate Floyd. These efforts – which included sending leads
27 to investigators in multiple states – were unsuccessful until recently. On April 17, 2017, I
28 received notification that Floyd was scheduled to travel on Frontier Airlines three days
later, on April 20, 2017. Specifically, Floyd booked a flight departing San Diego,
California, with a layover in Denver, Colorado, toward his final destination in
Milwaukee, Wisconsin.

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1 On April 17, 2017, investigators obtained a search warrant in the King County
2 Superior Court authorizing the collection of DNA and fingerprints from Floyd. On
3 April 19, 2017, a judge in the Second Judicial District of the State of Colorado also
4 issued a search warrant for the DNA and fingerprints of Floyd. The purpose of the search
5 warrants was to collect Floyd's DNA and fingerprints to compare with DNA samples and
6 latent prints that had been recovered from some of the evidence at the scene of the May
7 Day 2016 events.

8 On April 20, 2017, myself, TFO Hall, and other police officers made contact with
9 Floyd as he disembarked his flight at the Denver International Airport. Floyd was then
10 transported to the Denver Police Department headquarters where the search warrants
11 were executed and Floyd's DNA and fingerprints were collected.

12 **F. Interview of Floyd.**

13 Immediately following the collection of his fingerprints and DNA, TFO Hall
14 advised Floyd that he was free to leave, but that we wished to speak with him about the
15 events in Seattle on May 1, 2016. Floyd agreed to speak with us at the Denver Police
16 Department office located at the Denver International Airport. We transported Floyd
17 back to the airport, where we reiterated that Floyd was free to leave at any time. We
18 again told him that we wanted to speak about May Day 2016. Floyd agreed to speak with
19 us.

20 TFO Hall showed Floyd several photographs taken on May 1, 2016, depicting
21 numerous individuals dressed in black bloc attire in Seattle. Floyd confirmed he was one
22 of the individuals in black bloc and that he attended the march. We then showed Floyd
23 photographs of the black diaper bag and intact Molotov cocktail found inside it, as was
24 recovered on May 1, 2016. Floyd said he recognized both items, and then asked for a
25 break to smoke a cigarette before further discussing the matter.

26 At that point, we took a break from the interview and Floyd smoked two
27 cigarettes. Floyd then agreed to return to the interview room, where we commenced the
28 interview. Floyd consented to audio and video record the interview. At that time, Floyd

1 read, acknowledged, and signed a Seattle Police Department "Explanation of Rights"
2 form provided to him by TFO Hall; this form contains standard *Miranda* rights.

3 During the subsequent interview, Floyd made numerous admissions regarding his
4 possession and use of the Molotov cocktails in Seattle on May 1, 2016. Among other
5 things:

- 6 • Floyd admitted to assembling the Molotov cocktails inside of his former
7 apartment in Seattle. He stated he built the devices on May 1, 2016, just
8 prior to the march, because he did not want to keep them inside his
9 apartment any longer than was necessary.
- 10 • Floyd detailed the items and ingredients he used to build the Molotov
11 cocktails, and said he viewed instructions on the Internet.
- 12 • Floyd said he was inspired by anarchists in Greece and South America,
13 who frequently use Molotov cocktails during their protests.
- 14 • Floyd admitted he was carrying the black bag with the Molotov cocktails
15 during the May Day protest in Seattle.
- 16 • Floyd admitted he threw several Molotov cocktails at police officers on
17 May 1, 2016, near the stadiums in downtown Seattle. Floyd claimed he did
18 not ignite any of the devices before he threw them and that he had no
19 intention of doing so.
- 20 • Floyd said he panicked after throwing the Molotov cocktails; immediately
21 thereafter, he dropped the black bag in the middle of the street near Safeco
22 Field, shed his "black bloc" clothing nearby, and departed the area.
- 23 • Floyd said he observed police officers gathering the remains of his Molotov
24 cocktails in the aftermath of the events on May 1, 2016.

24 **G. Destructive Device Determination.**

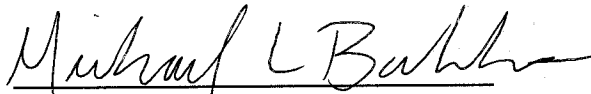
25 On December 19, 2016, Supervisory Special Agent Bomb Technician (SSABT)
26 Christopher Rigopoulos of the FBI Laboratory Division, Explosives Unit inspected the
27 devices and remnants thereof that were recovered from the crime scene on May 1, 2016.
28 SSABT Rigopoulos certified that the submitted evidence items were the disassembled
remains of five Improvised Incendiary Devices (IIDs), more commonly known as

1 Molotov cocktails. Additionally, SSABT Rigopoulos determined that the IIDs were
2 "destructive devices" under federal law.

3 On January 9, 2017, ATF Special Agent Grant Brill confirmed that Floyd had not
4 registered any destructive devices as required under the National Firearms Act.

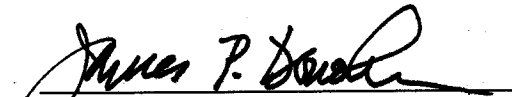
5 **H. Conclusion.**

6 Based upon the foregoing and my training and experience, I submit there is
7 probable cause to believe that WIL CASEY FLOYD committed the offense set forth
8 above in this Complaint.

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11 Michael Louis Baldino
12 Special Agent, FBI
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14 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
15 presence this 27th day of April 2017, the Court hereby finds that there is probable cause
16 to believe the defendant committed the offense set forth in the Complaint.

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19 JAMES P. DONOHUE
20 United States Magistrate Judge
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